

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

**GEN-SEE CAPITAL CORPORATION a/k/a
GEN UNLIMITED and RICHARD S. PICCOLI,**

Defendants.

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09-CV-14S

CONSENT ORDER MODIFYING FREEZE ORDER

WHEREAS on January 8, 2009, plaintiff Securities and Exchange Commission (“the Commission”) commenced this action by filing a Complaint and a Motion for an *Ex Parte* Temporary Restraining Order, Preliminary Injunction, Expedited Hearing and Other Relief, and, on January 8, 2009, the Court entered a Decision and Order that, among other things, granted the Commission’s motion for a temporary restraining order;

WHEREAS, on January 28, 2009, the Court entered a Consent Order Granting Preliminary Injunction and Other Interim Relief (the “Freeze Order”) that, as more fully set forth therein, preliminarily enjoined the defendants from selling any securities whatsoever and from violating the securities laws, directly or indirectly, and, continued the asset freeze that had been provisionally in effect since January 8, 2009, and granted other relief;

WHEREAS, on March 2, 2009, the Commission filed a motion on consent seeking to modify the Freeze Order (Docket No. 11);

NOW, THEREFORE:

I.

IT IS ORDERED that on consent of the parties, the Commission's Motion to Modify the Freeze Order (Docket No. 11) is GRANTED. The Freeze Order is modified as follows: Piccoli's counsel has represented that Piccoli receives monthly checks from the Social Security and the Veterans Administration totaling approximately \$1,100.00. Piccoli shall be allowed to cash his Social Security and Veterans Administration checks and to use the proceeds for his living expenses. Piccoli shall not use any other funds for living expenses and shall not cash any other checks.

II.

IT IS FURTHER ORDERED that except as expressly modified by this Order, the Freeze Order shall remain in full force and effect until further order of this Court.

III.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of the Freeze Order and this Order, and for all other purposes.

SO ORDERED.

Dated: March 3, 2009
Buffalo, NY

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge